

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2513 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? :

BALVANTBHAI TRIBHOVANDAS PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 2513 of 1988
Mr A.J.Patel for Petitioner
Mr V.M. Pancholi, AGP, for Respondent No. 1
MR DEEPAK M SHAH for Respondent No. 3

CORAM : MR.JUSTICE M.S.SHAH
Date of decision: 11/08/1999

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution the petitioner had challenged the order dated 3.11.1992 (Annexure-A) of the competent authority and 13.12.1994 (Annexure-B) of the Urban Land Tribunal under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976. The petitioner has also challenged the notice under section 10(5) of the Act

issued on 8.1.1988 by the competent authority for taking over the possession of the land.

2 While admitting the petition on 12.5.1988 this Court had granted ad interim relief to the effect that if the possession of the land was not taken over in pursuance of the notice dated 8.1.1988 then possession shall not be taken over. Ad interim relief was thereafter continued subject to certain conditions.

3 When the petition came up for hearing, Mr Pancholi, learned AGP, for respondents nos.1 and 2 states that in view of the written instructions dated 21.6.1999 (Sl. No.18 Unit No.2) received by the Government Pleader's office from Mr B.G.Jhalavadia, competent authority and the Additional Collector, ULC, Ahmedabad that the possession of the land was not taken over by the authorities before this Court passed the ad interim order and that, therefore, possession of the land is not with the respondents-authorities.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)
(mohd)